srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4908 OF 2007.

Kumbha Chemicals Private Limited. ..Petitioner.

V E R S U S

MIDC. ..Respondent.

Ms. Nayana Thatte h/f Sagar Joshi for the petitioner.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.

DATE : OCTOBER 12, 2007.

P.C.

1. Heard learned counsel for the petitioner. By this petition, the petitioner seeks a direction to exclude the petitioner from paying capital cost of upgradation of the system for pollution control. A plot of land has been allotted to the petitioner in the chemical industries zone of the respondent no.1 (MIDC) As per the policy of the respondent no.1 fee is levied for pollution control in the said chemical zone. The cost of upgradation of pollution control equipment is met from the fee levied on all chemical industries operating in the chemical zone. Accordingly the petitioner has been charged fee for upgradation of the system of pollution control on pro-rata basis. Petitioner claims he should be exempted from making any contribution as there is a power to exempt. For getting exemption, the petitioner must make out good grounds for exemption by

making an application to the respondent. Merely because there is power to exempt, it does not mean that the exemption must be granted to everyone who applies for exemption. Writ petition involves disputed questions of facts as to whether the petitioner has made out a good ground for exemption or not. Such questions cannot be determined in a writ jurisdiction. Writ petition is rejected summarily.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**